

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**UNITED STATES POSTAL SERVICE**

**and**

**Case 28-CA-096422**

**FILIMON PINO**

**ORDER DENYING MOTION**

The Respondent's motion to dismiss or for summary judgment is denied. The Respondent has failed to establish that there are no genuine issues of material fact and that it is entitled to judgment as a matter of law.<sup>1</sup>

Dated, Washington, D.C., July 1, 2013.

MARK GASTON PEARCE,	CHAIRMAN
RICHARD F. GRIFFIN, JR.,	MEMBER
SHARON BLOCK,	MEMBER

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<sup>1</sup> In addition to failing to demonstrate that the Respondent is entitled to judgment as a matter of law on the Sec. 8(a)(3) allegations in the complaint, the Respondent's motion does not address at all the independent Sec. 8(a)(1) allegations in the complaint.